

**United States District Court**  
**EASTERN DISTRICT OF TEXAS**  
**SHERMAN DIVISION**

UNITED STATES OF AMERICA

vs.

BRIAN DANIEL FULLER

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§

Case No. 4:08cr193  
(Judge Crone)

**REPORT AND RECOMMENDATION**  
**OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on July 17, 2014, to determine whether Defendant violated his supervised release.

On May 27, 2009, Defendant was sentenced by the Honorable Marcia A. Crone to twenty-seven (27) months' custody followed by three (3) years of supervised release for the offenses of Conspiracy to Possess Stolen Mail and Conspiracy to Possess Fifteen or More Counterfeit or Unauthorized Access Devices With Intent to Defraud. On January 28, 2014, Defendant completed his period of imprisonment and began service of his supervised term.

On June 23, 2014, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated several mandatory, standard, and special conditions. The Government dismissed allegations two through five.

Prior to the Government putting on its case, Defendant entered a plea of true to violation allegation one.

**RECOMMENDATION**

The Court recommends that the District Judge revoke Defendant's supervised release. The Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be

imprisoned for a term of eighteen (18) months with no supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, Fort Worth, or an appropriate medical facility. The Court further recommends that Defendant undergo a mental health evaluation.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

**SIGNED this 17th day of July, 2014.**

  
AMOS L. MAZZANT  
UNITED STATES MAGISTRATE JUDGE